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Executive Registry

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Mr. Raymond Jacobson
Director, Bureau of Policies and
Standards
U. S. Civil Service Commission
1900 E Street, N. W.
Washington, D. C. 20415

Dear Mr. Jacobson:

Attached is a report concerning the statutory exception
from the requirements for the competitive service for the
positions in the Central Intelligence Agency. The report is
in the format suggested by [] in his letter of
15 December 1972.

If you should require additional information,
Mr. Harry Fisher, our Director of Personnel, will be
happy to assist you.

Sincerely,

/s/ W. E. Colby

W. E. Colby
Executive Director-Comptroller

Enclosure

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Originator:

/s/Harry B. Fisher

5 FEB 1973

Director of Personnel

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OD/Pers [] (2 Feb 73) /s/ Deputy Director for Support

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- I. Identification and historical basis of exceptions in the department or agency.
 - a. Section 8(a) of the CIA Act of 1949, as amended (50 U.S.C. 403j).
 - b. The exception covers all positions and all personnel of CIA except the Director and the Deputy Director. Those positions are to be filled by Presidential appointees with the advice and consent of the Senate (50 U.S.C. 403a).
 - c. [The number of CIA positions is classified and, therefore, would not be appropriate for a report of this nature. But we of course will be glad to discuss with you both the numbers in general terms and the kinds of positions. Similarly, classification and security problems preclude the identification of all kinds of positions covered by the exception; however, our positions include analysts of various kinds, scientists of various disciplines, medical doctors, secretaries, computer and data control positions, security personnel, communications personnel, positions requiring paramilitary training, positions requiring intelligence-gathering training and skills, lawyers, clerical positions of various kinds, training personnel, budget and finance officers, etc.]
 - d. The historical basis for the exception from the competitive service was and is the fact that CIA functions and activities require stringent secrecy and security measures. The statute was enacted shortly after World War II when the experience of OSS (a predecessor agency to CIA) was fresh in the minds of those seeking and enacting the legislation. Even before the CIA Act (1949), and after the Agency was established in 1947 by the National Security Act, in recognition of the security problems particular to intelligence, the Agency had been excepted from the competitive service by action of the Commission. It was recognized in that period, as it is today, that the accomplishment of intelligence activities requires special authorities and exceptions from normal government procedures and requirements. The CIA Act, therefore, provided not only the authority exempting CIA from competitive service but also

various other authorities and exemptions from reporting and publishing requirements, which, among other things, enable the Agency to avoid disclosure of certain persons as CIA employees. See sections 3, 4, 5, 6, 7 and 8 of the CIA Act, as amended (50 U.S.C. 403c-j). Several court decisions have upheld the authority of the Director to terminate employees under his statutory authority (50 U.S.C. 403c), without regard to other law.

II. Current agency personnel policy, practice, and procedures for the excepted positions.

a. Recruitment and Selection

The functions of recruitment and selection, particularly of professional and technical employees, involve an intimate awareness of Agency operations and of the qualification requirements stemming therefrom. Ours is a job of procuring and organizing people trained in a broad range of skills and disciplines to carry out the Agency's missions, through methods and procedures which, though not unusual in themselves, are followed in ways that insure both flexibility and the protection of sensitive information. Our methods and procedures incorporate the essential characteristics of the competitive service and are based on merit principles, but are adapted in practice to the security and cover requirements of the Agency.

1. Use of announcements or other kinds of publicity of vacancies.

External, or public, announcements of job opportunities and manpower needs include:

- a. Advertising in newspapers and in professional and technical journals.**
- b. Job listings (brief job descriptions with instructions on how to apply) in the placement publications of professional societies and organizations such as the Association of American Geographers, the National Registry for Economists, the American Medical Association, the Modern Language Association, the American Association for the Advancement of Slavic Studies, etc.**
- c. A full-page institutional ad each year in the College Placement Annual, copies of which are distributed to every college placement office in the U. S. and to all military bases.**

- d. Distribution of job information and recruitment literature in Federal Job Information Centers nationwide and in cooperation with "Project Transition," the Armed Forces outplacement service in military bases.
- e. Distribution of flyers and specific job announcements to academic departments, student advisors and placement officers.
- f. Talks by Agency representatives to student and faculty groups at high school through graduate school levels.

Internal announcements of job opportunities are made through a Vacancy Notice System, coordinated and monitored in the central Office of Personnel, and through vocational counseling activities of personnel placement officers who, located in the central Office of Personnel, are currently aware of staffing needs throughout the Agency and serve the interest of all operating components. A consistent effort is made to fill vacancies as they arise through internal reassignment before going to external recruitment.

2. Use of positive recruiting methods.

The Office of Personnel operates a nationwide recruitment program. Full-time professional and/or clerical/technical field recruiters are assigned on a regional basis in ☐ key cities throughout the U. S. ☐

☐ The efforts of these recruiters are supplemented by operating officials of the Agency who participate in the recruitment process to serve particular component needs.

Recruiters are kept currently aware of requirements through a system of written descriptions of positions that require new personnel from time to time, through oral and written direction from the Chief, Recruitment Division, through travelers from Headquarters to the field, and through their own trips to Headquarters for briefings and specialized component guidance.

Through long experience in their respective regions, supplemented by the collective knowledge and advice of employees already in the Agency, recruiters have a detailed knowledge of the sources of potential candidates for employment. To develop and exploit these sources they employ a variety of positive recruitment methods. In summary, these include:

- a. Direct contact with placement directors, career counselors and departmental placement officers in colleges and universities. These are key contacts who provide access to students and academic departments, distribute information about the Agency's needs and application procedures, assemble resumes for review and follow-up by the recruiters, and identify and refer able students in fields of interest to us.
- b. Recruiters and other Agency officials cultivate acquaintance with faculty members in disciplines of interest to acquaint them with our needs and to generate referrals of candidates.
- c. Student interest is generated by selective advertising and by meetings with classes and other student groups, with follow-up by interview with students who respond.
- d. Written employment inquiries which reflect qualifications of potential interest are followed up by field recruiter interviews.
- e. Recruiters maintain contact with military installations in their respective regions where people are to be found who are leaving the service with skills and experience appropriate to Agency needs. Prospects are identified, usually with the help of "Project Transition" officers, and interviews are conducted.
- f. Recruiters, often in collaboration with appropriate Agency specialists, attend meetings of professional societies and associations and, working with the placement function normally available at the meeting, identify candidates and arrange interviews.

- g. Contact is maintained with U. S. and state employment services throughout the country to publicize our needs and obtain candidate leads.
- h. Recruiters participate in "career days" and "job fairs" in schools at all levels including high schools, vocational and technical institutions as well as colleges and "job fairs" organized to assist veterans in obtaining employment.
- i. Minority recruitment is emphasized, and special efforts are made to generate applications and referrals in the predominantly black schools and through organizations supporting Equal Employment objectives. Black employees already in the Agency participate actively in this effort and a black professional recruiter is involved full time.

Once the candidate has been identified, recruitment begins with an interview. The nature and location of the initial interview and follow-up action are determined by considerations of security and cover; i. e., if the individual appears to be a likely candidate for assignment in a covert capacity, precautions are taken from the outset to avoid his or her public identification with the Agency. In any case, the interview is an initial exchange of communication which serves primarily to establish a presumption of serious interest and employability. When it produces a completed application, the next steps in the processes of selection begin.

3. Job evaluation system and qualification standards followed.

The CIA follows a job evaluation system based on that established under the Classification Act of 1949. The basic occupational coding system established by the Civil Service Commission for Federal positions has been adapted to CIA positions. The position grades and grade definitions of the Classification Act are utilized, as well as the pay schedule, the step-rate system, premium pay rates and other benefits applicable to General Schedule employees.

Civil Service Commission position standards are used in the classification of CIA positions to the extent that they are applicable.

Agency position standards have been developed for positions not covered by CSC Standards. These include supergrade positions, intelligence and operations officers, and various technical and support positions. Job comparison is a standard method used in classification where standards are not available. Internal comparison and comparison with positions outside the Agency are both used.

Qualification standards established by the Civil Service Commission are followed.

The Agency system provides for a periodic classification review of all positions at least once every three years, for accuracy of position levels and category as well as for effective employee utilization.

The CIA was excepted from CSC classification system on August 8, 1949 by authorization of the CSC Chief, Personnel Classification Division.

Upon the enactment of Public Law 429 - 81st Congress, the "Classification Act of 1949" on October 28, 1949, the CIA was specifically exempted from Federal classification law.

4. Examining methods and techniques practiced.

Evaluation of the applicant's academic and professional background and level of performance is based on review of transcripts, certificates, honors achieved and other related evidence which is a matter of record in the application. Proficiency tests are used only to verify claimed and measurable skills in such fields as foreign languages, shorthand, typing, certain types of office machine and computer operations and communications equipment. The tests used in such instances are standard measures in general use in government and private enterprise.

For clerical applicants a general aptitude test is used, again a standard and widely used instrument.

Specialized aptitude tests are used for applicants for certain technical fields of work; e.g., computer operations, communications, photo interpretation, who are otherwise qualified

but lack established skills. The objective is to obtain some measure of trainability and probable adjustment to the field of work involved.

The basic instrument used in measuring and assessing the qualities of professional applicants is a Professional Applicant Test Battery. It consists of a series of standard measures plus an essay which in the aggregate provide a profile of the individual's interests, aptitudes, intellectual level, vocational preferences and probable adaptability to typical Agency work situations. It is administered for the Agency [redacted]

[redacted] It is not a pass-fail test.

The results are evaluated by the Agency's Psychological Services Staff and are reported to selection officers in the form of interpretative comment.

With the exception of basic skills tests such as typing and shorthand, these tests have no absolute value and are not used to rank applicants in any formal or structured manner. Test results are only one part of the evidence considered in the selection decision. The evaluation of applicants is on a comparative and competitive basis to select the best from among the total number available. The final decision is the result of multiple appraisals of all available evidence, in relation to the positions to be filled.

No formal registers or other employment lists are maintained, but significant qualifications data are entered for future reference in a computerized Qualifications Inventory and applicant file summaries are preserved.

5. Selection and appointment practices utilized.

It is in the selection from among all applicants of those who are to be accepted for clearance processing that the widest Agency participation is involved. The process typically operates as follows.

New professional applicant files are placed initially in a central repository in the Office of Personnel and made available for component inspection. They are grouped according to fields of qualification and are summarized in

an Acquisitions List which is compiled and distributed daily to the personnel officers in all components. They are retained for open inspection for a period of seven days, after which they may be withdrawn for further component review. Those not selected during this period of initial review are re-evaluated by selection officers in the central Office of Personnel and are "shopped" to appropriate components which may have overlooked them in the first place or may have prospective needs not yet taken fully into account. The objective is to insure the widest possible consideration of all applicant files, and to obtain a timely decision to accept for employment processing or to reject. Those selected are put into the process of medical and security clearance, and arrangements are made for the applicant to be interviewed further by officials in the prospective employing office.

After receipt of medical and security clearance, the final decision to hire is made by the head of the employing component.

The Agency is exempted by law from automatic and invariable application of veteran preference, but in practice preference is given to the veteran wherever possible. We consider military service to be a valuable additional qualification, either specifically or in general, and in instances of approximately equal qualifications, the veteran will be considered over the non-veteran.

Observance of the principles and objectives of Equal Employment Opportunity has come to be an important and emphasized feature of our personnel system. Reference was made earlier to special recruitment efforts in this area, efforts which are resulting in increased numbers of minority applicants and entrants on duty. Minority applications are monitored carefully in the selection process, both by the Office of Personnel and by the Deputy Directors of the major components, and decisions to hire or reject are confirmed by the Deputy Director in charge of the area concerned. Component performance in minority employment is reported periodically to the Executive Director-Comptroller and is reviewed by him with the Deputy Directors. Components

which appear to be lagging become the object of follow-up action by the Agency Equal Employment Opportunity Officer.

b. Promotion Policies in Effect

For many years the Agency has operated under a policy of competitive selection for promotion.

1. Policy:

The promotion of employees is based on competitive evaluation of their performance, qualifications, length of service, and value to the Agency. Employees who have been downgraded without personal cause are given full consideration for promotion to their original grade when competitive evaluations are being made.

Each Career Service comprises a competitive area for promotion for members of that Service. The Head of a Career Service may establish separate areas of competition within that Service when necessary because of differences in occupation or functional lines of work performed by its personnel.

Promotions are limited to one-grade advancements. Exceptions to this policy are made only when the Director of Personnel determines, upon recommendation of the Head of the Career Service concerned, that exception is justified.

2. Procedures:

Promotion recommendations are submitted in accordance with instructions and time schedules prescribed by the Heads of Career Services. Promotion recommendations are not made on fitness reports.

The competitive promotion evaluation of personnel in grades GS-09 through GS-14 is accomplished by the Heads of Career Services at least annually.

Employees in grades GS-08 and below are evaluated for the purpose of promotion whenever the Heads of Career Services consider it appropriate. Although formal competitive

evaluation is not required for these personnel, the basic principle of competitive evaluation is followed in selecting them for promotion.

c. Removal Bases and Procedures in Effect

The Agency manages removals separately as they are concerned either with the separation of surplus personnel or with the involuntary separation of individuals.

1. Separations of surplus personnel are accomplished under the authority of Section 102(c) of the National Security Act of 1947 as amended under procedures by which an Agency employee may be declared excess to manpower needs of his directorate or independent office, declared surplus to the Agency, and thereafter terminated.

When a Deputy Director or Head of an independent office determines that an employee is excess to the manpower requirements of his directorate or independent office, he so notifies the employee in writing. In making this determination he considers current and anticipated manpower requirements as well as the employee's performance, nature of service, qualifications and grade.

The Deputy Director or Head of an independent office forwards any declaration made pursuant to the paragraph above to the Director of Personnel who informs the employee in writing of his right to submit within 10 days a request to be heard orally by an appropriate officer of the Office of Personnel or to state in writing to the Director of Personnel why he should not be declared excess to his directorate or independent office or to provide any other information he deems relevant. After appropriate review including consideration of any statements or any information provided by the employee, the Director of Personnel may request the Deputy Director or Head of an independent office to reconsider the declaration of an employee as excess.

The Director of Personnel reviews the qualifications and background of an employee declared excess to the manpower requirements of a directorate or independent office with a view toward placing him elsewhere in the Agency at the same

or different grade. As part of this review process, the employee is interviewed by an appropriate officer of the Office of Personnel.

If the Director of Personnel is unable to assign elsewhere in the Agency an employee who has been declared excess to the manpower requirements of a directorate or independent office, he recommends to the Director of Central Intelligence that he (1) declare the employee surplus to the Agency; (2) terminate the employee's employment, utilizing his authority under Section 102(c) of the National Security Act of 1947 as amended; and (3) establish the effective date of such termination. The Director of Personnel notifies the employee in writing of this action and of the employee's right to present through the Director of Personnel to the Director of Central Intelligence within 10 days any information in writing concerning why his employment should not be terminated and any other information he deems relevant.

Upon receipt of a recommendation by the Director of Personnel to declare an employee surplus to the Agency, to terminate his employment and to establish the effective date of such termination, the Director of Central Intelligence may take one or more of the following actions.

- a. Refer the recommendation to the Inspector General, who shall consider it and forward his own recommendation to the Director of Central Intelligence.
- b. Declare the employee surplus to the Agency, terminate his employment pursuant to Section 102(c) of the National Security Act of 1947 as amended, and establish the effective date of such termination. Such effective date shall be not less than 30 days after the Director of Central Intelligence has taken action to terminate his employment.
- c. Disapprove in whole or in part the recommendation of the Director of Personnel.

The Director of Personnel notifies the employee in writing of the decision of the Director of Central Intelligence.

2. Involuntary separations may result from those situations leading to a determination by the Agency of unsuitability of the employee such as failure to meet the work and efficiency requirements of the Agency, failure during the initial 12-month trial period to demonstrate the qualifications required for regular assignment, failure of a career-provisional employee to meet career employment standards at the completion of the provisional period, failure to meet Agency security standards, inability to meet Agency medical standards, abandonment of position, insubordination, inattention to duty, poor attendance, misuse of official funds, a criminal act, personal misconduct, or other evidence of unsuitability.

Criteria:

- a. **Work and efficiency.** An employee who fails to meet the work and efficiency requirements of his Career Service or fails to adequately perform the duties of the position to which he is assigned will be considered for separation from that Career Service and possibly the Agency. If the Deputy Director or Head of Career Service having jurisdiction concludes that the individual should be separated from the particular Career Service, he will forward the case with all pertinent documentation to the Director of Personnel for further processing.
- b. **The First-Year Trial Period.** Deputy Directors and Heads of Career Services are responsible for identifying employees under their jurisdiction who do not successfully complete the First-Year Trial Period. The Deputy Director or Head of Career Service, or his representative, will notify the Director of Personnel before the close of the First-Year Trial Period when an employee has failed to meet the applicable employment standards.
- c. **The Three-Year Provisional Period.** Heads of Career Services are responsible for evaluating the suitability of each career-provisional employee who is otherwise eligible

for conversion to career employee status and with the approval of the Deputy Director concerned, for recommending termination of the employee's career-provisional appointment or employment if he has failed to meet the applicable career employment standards.

- d. Security and medical standards. The Director of Security and the Director of Medical Services will make appropriate recommendations to the Director of Personnel when an employee does not meet Agency security or medical standards.
- e. Standards of conduct. Deputy Directors will ensure that appropriate officials take or initiate corrective or disciplinary action as necessary or, if warranted, forward a recommendation for separation to the Director of Personnel if an employee fails to meet Agency standards of conduct. Whenever the Director of Personnel is informed that an employee has failed to meet Agency standards of conduct, he will, if the matter is of a serious nature, review the case with the Deputy Director concerned and, as appropriate, the Head of the employee's Career Service. He may, in coordination with the Deputy Director concerned, conduct an investigation if this is required. If the Director of Personnel concludes that the individual should be separated, he will forward his recommendation with appropriate documentation through the Deputy Director concerned and the Head of the employee's Career Service to the Director of Central Intelligence.

Procedures:

- a. During the trial period:

Upon receipt by the Director of Personnel of written notification from the Deputy Director concerned or the Head of the employee's Career Service that an employee's performance, conduct or general character traits have been determined to be unsatisfactory during his trial period, the Director of Personnel or his designee will review the matter with that official or his designee. If upon such review the Director of Personnel concurs with the determination of the employee's shortcomings, he will terminate his employment.

b. Following completion of trial period:

Whenever a Head of Career Service proposes to recommend the separation of an employee under his jurisdiction, he or his representative will first review the case with the Director of Personnel or his designated representative, who, if appropriate, will review the case with the Director of Security or the Director of Medical Services to identify relevant security or medical factors.

When a case is referred to the Director of Personnel with a recommendation that an employee be separated, the Head of Career Service or his representative will advise the employee concerned and inform him of the reasons for the recommended separation.

Upon receipt of a recommendation from a Head of Career Service, or from any other Agency official authorized to make recommendations that an employee be separated, or on the basis of his own review of a personnel problem situation, the Director of Personnel or his designated representative will confirm to the employee that he is being considered for separation and will extend to him an opportunity to submit a written statement or to comment orally within 10 days.

If the Director of Personnel decides not to recommend termination of the individual's employment following his review of the case, he will consult the Head of the Career Service or Deputy Director concerned as to another course of action. If the Director of Personnel concludes that termination of the individual's employment is to be recommended, he will advise the employee of that fact and forward the case to the Director of Central Intelligence for decision. In this event, the Director of Personnel will also notify the individual that he may file a written appeal of the termination recommendation with the Director within 10 days.

Pursuant to his statutory authority, the Director may separate an employee immediately when he deems such action necessary or advisable in the interests of the United States. To the extent consistent with the interests

of the United States, the procedures set forth in the paragraphs immediately above will normally be followed, although in certain cases they may be impracticable or inadvisable. The Director, therefore, may determine it to be in the interests of the United States to direct a termination without further action.

- d. Are the Methods of Recruiting, Selection, Promotion and Removal Considered to be Based on Merit Principles?

Yes. This was confirmed recently when the chairman of the Civil Service Commission advised the Director, Office of Management and Budget, "The Commission, recognizing the necessary qualifications and caliber of persons holding career type appointments in the CIA, considers the non-competitive entry of such persons into the competitive service as compatible with merit system principles. The on-site observations of a Commission team assure us that the operations of the CIA personnel system are consistent with merit principles." (Letter from Commissioner Hampton to the Director, OMB, dated 3 December 1971, recommending an Executive Order for the President's approval.)

III. Agency analysis of need for continuing the exception.

- a. Essentially the employment conditions and staff problems of today are unchanged from those existing when the statutory exemptions were enacted. At that time, the Agency's functions and activities to a large degree bore directly on national defense and hence were subject to careful security; this remains true today. Thus, recruitment, the establishment of positions, the number and types of positions, the disclosure of certain of our people as CIA employees and related personnel policy and practice are matters of classified information. Then, as now, changes in the types of positions and skills needed occur as the intelligence requirements placed on the Agency change and these changes and patterns also are classified.
- b. It is essential that the statutory exception for CIA be continued; the reason obviously is the continuing need to provide for secrecy for our operations and functions. As indicated, there are continuing changes in our recruitment and personnel needs and patterns which are matters of classified information. It would not be possible to provide the necessary security in connection with our personnel policy and program through the normal competitive service practices and requirements. For example, the Director's authority to terminate employees is in the broadest terms and does not require that charges be placed from which administrative appeals may ensue, etc. See Section 102 (c) of the National Security Act (50 U.S.C. 403(c)). Decisions by the Director under the CIA Retirement Act of 1964 are not subject to appeal. See Section 201(c) of the CIA Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 Note). The recruitment of employees from lists maintained by the Commission of course would serve to identify those individuals as CIA employees. The establishment or approval of CIA positions by the Commission in some instances would indicate areas of CIA activity where CIA interest in such activities must be classified and protected from disclosure. These considerations apply not only with respect to employees recruited for intelligence gathering duties and intended to be placed in situations where their CIA employment is not to be revealed. Our career employee concept contemplates that all employees are subject to reassignment and to assignment abroad.

Personnel Operating Policies for Attorney Positions

Attorney positions of course are filled on the basis of the Agency's needs. Because the intelligence function, that is, the business of the client of CIA lawyers, is a speciality not widely known outside intelligence circles, the Agency seeks to recruit some of its lawyers from other components within the Agency. We also seek to recruit lawyers with legal experience elsewhere. New employees from law school graduating classes frequently have no employment experience at all. In all instances we seek well qualified persons based on their law school records and professional background and personal qualities and employment experience. In establishing grades for newly hired lawyers and for promotion purposes, we attempt to be competitive with government practice generally. In some instances cover and security considerations require special recruiting and assignment. As with other positions within CIA, it is necessary that attorney positions continue to be excepted from the competitive service.